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Attorneys for the United States

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS LTD., *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants,

and

Case No. 3:24-cv-00059-SLG

CONSOLIDATED

LEAD CASE

Northern Dynasty Minerals LTD., et al. v. U.S. EPA, et al.
(Lead Case) (Consolidated)
Motion for a Stay of Entire Case
In Light of Lapse of Appropriations

Case No. 3:24-cv-00059-SLG

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BRISTOL BAY NATIVE ASSOCIATION, INC.,
et al.,

Intervenor-Defendants.

STATE OF ALASKA,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant,

and

TROUT UNLIMITED, *et al.*,

Intervenor-Defendants.

ILIAMNA NATIVES, LTD, *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants,

and

BRISTOL BAY ECONOMIC DEVELOPMENT
CORPORATION, *et al.*,

Case No. 3:24-cv-00084-SLG

CONSOLIDATED

Case No. 3:24-cv-00132-SLG

CONSOLIDATED

Northern Dynasty Minerals LTD., et al. v. U.S. EPA, et al.
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Intervenor-Defendants.

**MOTION FOR A STAY OF ENTIRE CASE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the entire case in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The Department does not know when such funding will be restored by Congress.
2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.
3. Undersigned counsel for the Department of Justice therefore requests a stay of the entire case until Congress has restored appropriations to the Department.
4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations – i.e., each deadline would be extended by the total number of days of the

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lapse in appropriations.

5. Except for Plaintiffs Northern Dynasty Minerals Ltd. and Pebble Limited Partnership, whose counsel stated that it plans to oppose this motion, counsel for all other parties in the above-captioned case¹ have authorized counsel for the Government to state that they have no objection to this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the entire case in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: October 1, 2025.

Respectfully submitted,

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General
Environment and Natural Resources Division

MICHAEL J. HEYMAN
United States Attorney
District of Alaska

/s/ Mario A. Luna
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¹ Plaintiffs the State of Alaska, Iliamna Natives LTD., and Alaska Peninsula Corp., and Intervenor Defendants United Tribes of Bristol Bay, Bristol Bay Native Association, Inc., Bristol Bay Economic Development Corporation, Bristol Bay Native Corporation, Bristol Bay Regional Seafood Development Association, Inc., Commercial Fishermen for Bristol Bay, Trout Unlimited, SalmonState, Alaska Community Action on Toxics, Alaska Wilderness League, Alaska Wildlife Alliance, Cook Inletkeeper, Friends of McNeil River, Kachemak Bay Conservation Society, National Parks Conservation Association, National Wildlife Federation, Sierra Club, Alaska Center, Wild Salmon Center, Center for Biological Diversity, Earthworks, Friends of the Earth, and Natural Resources Defense Council.

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2025, a copy of the foregoing was served by electronic means on all counsel of record by the Court's CM/ECF system.

/s/ Mario A. Luna
Mario A. Luna

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